

OM Performance, Inc.,

Plaintiff,

versus

Dynarex Corp.,

Defendant.

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§**ENTERED**

September 21, 2018

David J. Bradley, Clerk

Civil Action H-18-1775

Preliminary Injunction

- I. Pending the court's determination of the scope and validity of the mark for THE EMERGENCY BANDAGE, Dynarex Corporation, its officers, employees, agents, and representatives are preliminarily enjoined from:
 - A. using the entire term THE EMERGENCY BANDAGE on its compression bandage product packaging;
 - B. using the entire term THE EMERGENCY BANDAGE in connection with the promotion, sales, and advertising of its bandages—although it has never done so; and
 - C. using the entire term THE EMERGENCY BANDAGE online, on the website www.dynarex.com, and on social media postings, in connection with its bandages.
2. OM Performance, Inc. is preliminarily enjoined from objecting to or taking other action, legal or otherwise, in connection with Dynarex's advertising its bandages, that does not contain the entire term THE EMERGENCY BANDAGE.
3. OM Performance is permanently enjoined from defaming Dynarex's bandages and activities to interested third parties.

Signed on September 21, 2018, at Houston, Texas.



Lynn N. Hughes
United States District Judge